

EXHIBIT 11

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October 8, 2015

The Honorable Jesse M. Furman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: In re: General Motors LLC Ignition Switch Litigation,
14-MD-2543 (JMF)**

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § V, Lead and Liaison Counsel and counsel for General Motors LLC ("New GM") submit this joint written update to advise the Court of matters of possible significance in proceedings related to MDL 2543.

First, on October 1, 2015, plaintiffs served New GM with significant discovery requests substantially overlapping with MDL discovery in *Shell, et al. v. Gen. Motors LLC*, No. 1522-CC00346 (City of St. Louis, Mo.), a wrongful death and personal injury action alleging ignition switch defects in multiple vehicles. Several of Plaintiffs' requests and interrogatories concern the Cobalt/Ion ignition switch recall and other recalls subject to Phase One discovery, New GM's Deferred Prosecution Agreement with the Department of Justice and stipulated Statement of Facts, and New GM CEO Mary Barra's knowledge concerning the ignition switch defect. Copies of plaintiffs' 526 requests for production, 91 requests for admission, and dozens of interrogatories (including subparts) are attached hereto as Exhibits 1–3. New GM's responses and objections to this discovery are currently due on November 2, 2015. In light of the threat to MDL coordination efforts posed by plaintiffs' discovery and the *Shell* court's previous denial of New GM's motion for entry of the MDL 2543 Coordination Order ("Coordination Order"), the parties respectfully request that the Court utilize the tools at its disposal—including communication with the Honorable David Dowd—to promote and facilitate coordination in *Shell*.

Second, counsel for New GM and Lead Counsel continue to work to prevent conflicts with MDL discovery in *Mathes v. Gen. Motors LLC*, No. CL12001623-00 (Augusta County, Va.), which was a subject of the parties' September 25, 2015 joint letter to the Court (*see* Doc. No. 1406). Plaintiff has noticed a corporate representative deposition of New GM regarding in part a recall subject to Phase One discovery and has requested depositions of MDL deponents

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regarding ignition-switch-related topics. New GM intends shortly to move to quash plaintiff's request and for a protective order. New GM's motion for protective order is due by October 12, 2015. In light of the threat to MDL coordination efforts posed by plaintiff's requested discovery and the court's previous denial of New GM's motion for entry of the Coordination Order, the parties respectfully renew their request that the Court utilize the tools at its disposal—including communication with the Honorable Victor Ludwig—to promote and facilitate coordination in *Mathes*.

Third, briefing is complete on New GM's motion for entry of the Coordination Order in *Brochey, et al. v. Gen. Motors LLC, et al.*, No. 11813-15 (Erie County, Pa.), an individual economic loss action alleging an ignition key defect in a 2011 Chevrolet Camaro, which was a subject of the parties' August 27, 2015 joint letter to the Court (*see* Doc. No. 1292). Copies of plaintiffs' opposition and New GM's reply brief in support of the motion are attached hereto as Exhibits 4–5, respectively. The Honorable John Garhart will hear argument on New GM's motion on **Monday, October 19, 2015**. In light of the threat to MDL coordination efforts posed by plaintiffs' efforts to compel arbitration as early as November 2015, the parties respectfully request that the Court utilize the tools at its disposal—including communication with Judge Garhart—to promote and facilitate coordination in *Brochey*.

Fourth, on September 21, 2015, plaintiff filed a proposed case management order setting a deadline for filing a motion to withdraw from MDL coordination in *Cimaglia v. Royal Pontiac Buick GMC Inc., et al.*, No. MER-L-2890-10 (Mercer County, N.J.), a personal injury action alleging power steering defects in a 2005 Pontiac G6. A copy of the proposed order is attached hereto as Exhibit 6. Plaintiff's concerns regarding MDL coordination have not been stated on the record to date. Counsel for New GM and Lead Counsel have reached out to plaintiff's counsel to identify and to address plaintiff's concerns regarding MDL coordination. Plaintiff's motion to withdraw from coordination is due October 23, 2015. The parties will apprise the Court of further developments regarding coordination in *Cimaglia*.

Fifth, on September 30, 2015, a scheduling order was entered in *Jarvis, et al. v. Gen. Motors LLC, et al.*, No. 15-003241-NP (Macomb County, Mich.), a personal injury action alleging an ignition switch defect in a 2006 Saturn Ion. A copy of the scheduling order is attached hereto as Exhibit 7.

Sixth, on October 5, the parties filed a joint stipulation to adopt the Coordination Order in *Helms v. Gen. Motors LLC, et al.*, No. 2014841 (Stanislaus County, Cal.), a personal injury action alleging unspecified defects in a 2008 Chevrolet HHR. A copy of the stipulation is attached hereto as Exhibit 8.

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Seventh, on October 6 and 7, 2015, with briefing having been completed, New GM's motions for entry of the Coordination Order were submitted for ruling in *Colarossi v. Gen. Motors LLC, et al.*, No. 14-22445 (Suffolk County, N.Y.), and *Petrocelli v. Gen. Motors LLC, et al.*, No. 14-17405 (Suffolk County, N.Y.), respectively, which were subjects of the parties' July 17, 2015 joint letter to the Court (*see* Doc. No. 1194). Copies of the reply briefs New GM filed in *Colarossi* and *Petrocelli* are attached hereto as Exhibits 9–10, respectively.

Eighth, on October 7, 2015, New GM filed a response to plaintiff's motion to compel in *Davidson v. Gen. Motors LLC, et al.*, No. CT-003414-14 (Shelby County, Tenn.), which was a subject of the parties' September 25, 2015 joint letter to the Court (*see* Doc. No. 1406). A copy of New GM's response is attached hereto as Exhibit 11. The Honorable Felicia Corbin Johnson will hear argument on the motion tomorrow, **Friday, October 9, 2015**.

Ninth, tomorrow argument will be heard on the plaintiff steering committee's motion to allocate attorney fees in the Texas MDL, No. 2014-51871 (Harris County, Tex.). A copy of the steering committee's motion is attached hereto as Exhibit 12. Additionally, on October 2, 2015, the parties filed an agreed proposed order extending the deadline for selection of potential bellwether cases until October 15, 2015. A copy of the proposed order is attached hereto as Exhibit 13.

Tenth, the following filings were made and orders entered with respect to the Bankruptcy Court proceedings since the parties' September 25, 2015 joint letter to the Court (*see* Doc. No. 1406):

- **September 25, 2015:** New GM filed letter briefs identifying claims barred by the Sale Order contained in the Second Amended Consolidated Complaint and in the State Complaints. New GM also filed a letter with the Bankruptcy Court advising it of proceedings in this Court and the Second Circuit related to the bankruptcy proceedings.
- **September 28, 2015:** Bellwether plaintiffs filed a letter responding to New GM's September 21, 2015 letter brief identifying claims and allegations barred by the Sale Order in the Bellwether Complaints. New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings.
- **September 29, 2015:** The *Bledsoe*, *Elliott*, and *Sesay* plaintiffs and plaintiff in *Rickard*, an unrelated action, filed letters concerning New GM's September 23, 2015 letter brief identifying claims barred by the Sale Order contained in complaints not separately addressed in letter briefs concerning the Bellwether Complaints, State Complaints, and Second Amended Consolidated Complaint.

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- September 30, 2015: New GM and Plaintiffs filed their Reply Briefs concerning the Imputation Issue. Also, New GM filed a letter with the Bankruptcy Court advising it of the status of the Second Circuit appeal of the Bankruptcy Court's Decision and Judgment, and attached thereto was a copy of the *Ignition Switch Plaintiffs' And Ignition Switch Pre-Closing Accident Plaintiffs' Unopposed Motion To Expedite These Appeal Proceedings*, which was filed with the Second Circuit on September 29, 2015.
- October 5, 2015: New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court and the Second Circuit related to the bankruptcy proceedings.
- October 6, 2015: New GM filed a Statement of Issues and Designation of Items for the Record concerning its appeal of the Bankruptcy Court's July 29, 2015 Order regarding the *Pillars* plaintiff's No Dismissal Pleading and September 9, 2015 Decision and Order denying New GM's motion for reconsideration of same.

Copies of the foregoing documents are attached hereto as Exhibits 14–25, respectively.

Eleventh, pursuant to Order No. 1 § X.8, the Defendants' July 21, 2014 Status Letter (Doc. No. 73) included an Exhibit A listing cases consolidated to date in MDL 2543, as well as an Exhibit B listing related cases pending in state and federal court, together with their current status. For the Court's convenience, updated versions of Exhibits A and B are attached hereto as Exhibit 26.

Finally, the parties continue to work to ensure that the Court is provided with current and correct contact information for presiding judges in actions listed in the aforementioned Exhibit B. To that end, the Federal/State Liaison Counsel will submit shortly to the Court updates to the e-mail addresses of the presiding judges in Related Actions.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

Counsel for Defendant General Motors LLC

cc: The Honorable Robert E. Gerber
MDL Counsel of Record